

WAKE COUNTY CLERK OF SUPERIOR COURT
JENNIFER J. KNOX
CIVIL RECEIPTING

Payor

Autoshop Solutions, LLC

Payee

STAN LAW
FIRM

File Number _____

(Atty Pd, Address, Ins Co, Case Caption - Upset Bid)

TO BE FLAGGED "Y"CVSC Superior \$ 200.00 ☒CVDC District \$ 150.00 ☐
Small Claims AppealM#s #21435 \$ _____
CONF OF JUDGMENT #21400
\$ _____

SUPPLMNT PROC #21400 \$ _____

TRIAL DE NOVO #24310 \$ _____
(Appeal Arbitration)

MOTIONS #21450 \$ _____

ALIAS & PLURIES #21455 \$ _____

Abstract Number JMT _____

JA JUDGMENT PAYMENTS #26115 \$ _____
FULL ☐ PARTIAL ☐

> or = \$1.00 REFUND #29100 \$ _____

ATTORNEY FEES #24610 \$ _____

ARBITRATION FEE M# #24311 \$ _____

JA WRITS #21430 \$ _____
(Executions/Possession)

JA TRANSCRIPT #21440 \$ _____

TO BE FLAGGED "N"CDDC \$225.00 \$ _____
(Divorce)CVDC \$150.00 \$ _____
(Domestic - Divorce not included)

Arbitration Fee No M# #24311 \$ _____

Pro Hac Vice #24625 \$ _____
(Out of State Atty Fees)

Out of State Bar Fee #24626 \$ _____

Book and Page BOOK _____ PAGE _____

Business Court # 21122 \$1,100 _____

BOND FORFEITURE #22800 \$ _____
(Before Judgment)

REGISTRATIONS #21400 \$ _____

BONDS - SPECIFY _____
(Attachment, Restraining Order, Appeal)
#26210 \$ _____LIMITED DRIVING PRIVILEGE
#24335 \$ _____

OTHER CODE # _____ \$ _____

TRUST (Minor's portion) #26310 \$ _____

DEPOSIT #26600 \$ _____
(Surplus Funds, Earnest Money, Etc.)

CONDEMNATIONS #26130 \$ _____

UP-SET BID #26700 \$ _____

Posted By: _____

A399386 11/13/18 14:43:50

PAYOR: AUTOSHOP SOLUTIONS

PAYEE: STAM LAM

CASE#: 18CVSD13869 VCAP:Y

CITAM:

21120 SC-CIVIL FEES 179.05

21124 SC-CV LAM FEES .95

24681 JUD TECH & FAC 4.00

22120 CO FAC FEE & CV 16.00

TOTAL PAID 200.00

CO TENDERED 200.00

CHANGE .00

0088 ID C910SH

STATE OF NORTH CAROLINA

File No.

18CV013869

WAKE County

In The General Court Of Justice
☐ District ☒ Superior Court Division

Name Of Plaintiff

AUTOSHOP SOLUTIONS, LLC

Address

c/o Stam Law Firm PO Box 1600

City, State, Zip

Apex, NC 27502

VERSUS

Name Of Defendant(s)

MASTEC NORTH AMERICA, INC

MASTEC NORTH CAROLINA, INC

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

Date Original Summons Issued

Date(s) Subsequent Summons(as) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Mastec North America, Inc

2626 Glenwood Avenue, Suite 550 Raleigh, NC 27608

Name And Address Of Defendant 2

Mastec North Carolina, Inc

327 Hillsborough St. Raleigh, NC 27603



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
 You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

R. Daniel Gibson

Stam Law Firm

P.O. Box 1600

Apex, NC 27502

Date Issued

11-8-18

Time

4

☐ AM ☒ PM

Signature

[Signature]

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM ☐ PM

Signature

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

AOC-CV-100, Rev. 4/18

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RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	--	-------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (If corporation, give title of person copies left with)

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	--	-------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (If corporation, give title of person copies left with)

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

Service Fee Paid \$	Signature Of Deputy Sheriff Making Return
Date Received	Name Of Sheriff (type or print)
Date Of Return	County Of Sheriff

STATE OF NORTH CAROLINA

File No. **18CV013869**

WAKE

County

FILED

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name And Address Of Plaintiff 1
AUTOSHOP SOLUTIONS, LLC
C/O Stam Law Firm
P.O. Box 1600
Apex, NC 27502

2018 NOV -8 P 4:11

WAKE COUNTY, C.S.C.

Name And Address Of Plaintiff 2

VERSUS

Name Of Defendant 1
MASTEC NORTH AMERICA, INC

Summons Submitted ☒ Yes ☐ No

Name Of Defendant 2
MASTEC NORTH CAROLINA, INC

Summons Submitted ☒ Yes ☐ No

☐ Jury Demanded In Pleading
☐ Complex Litigation

GENERAL

CIVIL ACTION COVER SHEET

☒ INITIAL FILING ☐ SUBSEQUENT FILING

Rule 5(b), General Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

R. Daniel Gibson
Stam Law Firm
P.O. Box 1600
Apex, NC 27502

Telephone No.
919-362-8873

Cellular Telephone No.

NC Attorney Bar No.
49222

Attorney E-Mail Address
Dan@StamLawFirm.com

☒ Initial Appearance in Case ☐ Change of Address

Name Of Firm
Stam Law Firm

FAX No.
919-387-7329

Counsel for

☒ All Plaintiffs ☐ All Defendants ☐ Only (list party(ies) represented)

☐ Amount in controversy does not exceed \$15,000
☐ Stipulate to arbitration

TYPE OF PLEADING

(check all that apply)

- ☐ Amend (AMND)
- ☐ Amended Answer/Reply (AMND-Response)
- ☐ Amended Complaint (AMND)
- ☐ Assess Costs (COST)
- ☐ Answer/Reply (ANSW-Response) (see Note)
- ☐ Change Venue (CHVN)
- ☒ Complaint (COMP)
- ☐ Confession Of Judgment (CNJF)
- ☐ Consent Order (CONS)
- ☐ Consolidate (CNSL)
- ☐ Contempt (CNTP)
- ☐ Continue (CNTN)
- ☐ Compel (CMPL)
- ☐ Counterclaim (CTCL) Assess Court Costs
- ☐ Crossclaim (list on back) (CRSS) Assess Court Costs
- ☐ Dismiss (DISM) Assess Court Costs
- ☐ Exempt/Waive Mediation (EXMD)
- ☐ Extend Statute Of Limitations, Rule 9 (ESOL)
- ☐ Extend Time For Complaint (EXCO)
- ☐ Failure To Join Necessary Party (FJNP)

(check all that apply)

- ☐ Failure To State A Claim (FASC)
- ☐ Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
- ☐ Improper Venue/Division (IMVN)
- ☐ Including Attorney's Fees (ATTY)
- ☐ Intervene (INTR)
- ☐ Interplead (OTHR)
- ☐ Lack Of Jurisdiction (Person) (LJPN)
- ☐ Lack Of Jurisdiction (Subject Matter) (LJSM)
- ☐ Modification Of Child Support In IV-D Actions (MSUP)
- ☐ Notice Of Dismissal With Or Without Prejudice (VOLD)
- ☐ Petition To Sue As Indigent (OTHR)
- ☐ Rule 12 Motion In Lieu Of Answer (MDLA)
- ☐ Sanctions (SANC)
- ☐ Set Aside (OTHR)
- ☐ Show Cause (SHOW)
- ☐ Transfer (TRFR)
- ☐ Third Party Complaint (list Third Party Defendants on back) (TPCL)
- ☐ Vacate/Modify Judgment (VCMD)
- ☐ Withdraw As Counsel (WDCN)
- ☐ Other (specify and list each separately)

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must either include a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

AOC-CV-751, Rev. 1/14

(Over)

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CLAIMS FOR RELIEF		
<input type="checkbox"/> Administrative Appeal (ADMA) <input type="checkbox"/> Appointment Of Receiver (APRC) <input type="checkbox"/> Attachment/Garnishment (ATTC) <input type="checkbox"/> Claim And Delivery (CLMD) <input type="checkbox"/> Collection On Account (ACCT) <input type="checkbox"/> Condemnation (CNDM) <input type="checkbox"/> Contract (CNTR) <input type="checkbox"/> Discovery Scheduling Order (DSCH) <input type="checkbox"/> Injunction (INJU)	<input type="checkbox"/> Limited Driving Privilege - Out-Of-State Convictions (PLDP) <input type="checkbox"/> Medical Malpractice (MDML) <input type="checkbox"/> Minor Settlement (MSTL) <input type="checkbox"/> Money Owed (MNYO) <input type="checkbox"/> Negligence - Motor Vehicle (MVNG) <input checked="" type="checkbox"/> Negligence - Other (NEGO) <input type="checkbox"/> Motor Vehicle Lien G.S. 44A (MVLN) <input type="checkbox"/> Possession Of Personal Property (POPP)	<input type="checkbox"/> Product Liability (PROD) <input checked="" type="checkbox"/> Real Property (RLPR) <input type="checkbox"/> Specific Performance (SPPR) <input checked="" type="checkbox"/> Other (specify and list each separately) Nuisance Trespass
Date 11/8/2018		Signature Of Attorney/Party <i>R. Daniel Williams</i>
FEES IN G.S. 7A-308 APPLY Assert Right Of Access (ARAS) Substitution Of Trustee (Judicial Foreclosure) (RSOT) Supplemental Procedures (SUPR)		
PRO HAC VICE FEES APPLY Motion For Out-Of-State Attorney To Appear In NC Courts In A Civil Or Criminal Matter (Out-Of-State Attorney/Pro Hac Vice Fee)		
No.	<input type="checkbox"/> Additional Plaintiff(s)	
No.	<input type="checkbox"/> Additional Defendant(s) <input type="checkbox"/> Third Party Defendant(s)	Summons Submitted <input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
Plaintiff(s) Against Whom Counterclaim Asserted		
Defendant(s) Against Whom Crossclaim Asserted		

AOC-CV-751, Side Two, Rev. 1/14
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18CV013869

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY

2018 NOV -8 P 4:11

AUTOSHOP SOLUTIONS, LLC

WAKE COUNTY, C.S.C.

Plaintiff,

v.

COMPLAINT

MASTEC NORTH AMERICA, INC.,
MASTEC NORTH CAROLINA, INC.,

Defendants.

Autoshop Solutions, LLC alleges and says as follows:

JURISDICTION AND PARTIES

1. Plaintiff Autoshop Solutions, LLC is a duly registered and incorporated North Carolina limited liability company with its principal place of business at 942 Windy Road, Apex, NC 27502.
2. Defendant Mastec North America, Inc., is a Florida Corporation licensed and registered to do business in North Carolina and actually doing business in North Carolina.
3. Defendant Mastec North Carolina, Inc., is a duly registered and incorporated North Carolina corporation with its principal office at 327 Hillsborough St Raleigh, NC 27601.
4. Upon information and belief, Mastec North Carolina is a wholly owned subsidiary of Mastec North America.

5. Upon information and belief, at all times relevant to this complaint, Mastec North Carolina acted as an agent of Mastec North America and Mastec North America is vicariously liable for the acts of Mastec North Carolina.
6. This Court has personal jurisdiction over all parties.
7. Wake County is a proper venue for this action.
8. The Superior Court is the proper division for this action.

STATEMENT OF FACTS

9. Plaintiff incorporates all prior pleadings as if set out fully here.
10. Autoshop Solutions rents a commercial property at 942 Windy Road, Apex, NC 27502.
11. From at least October 2015 until November 2016, Defendants were performing construction work on a property adjacent to the 942 Windy Road property.
12. During Defendants' construction work, Defendants obstructed, struck, or otherwise damaged a sewer or water line. The sewer or water line was connected to or serviced the 942 Windy Road Property.
13. Defendants' obstruction of or damage to the water or sewer line caused sewage or water to backup and flow into Autoshop Solutions office at 942 Windy Road. The sewage or water backup and flow began on or around 9 October 2015 and it continued, remained on, or affected the property at 924 Windy Road each and every day thereafter until 23 November 2015.

14. On 23 November 2015, Autoshop Solutions was able to reenter its office at 942 Windy Road and discovered numerous items of personal property used in Autoshop Solutions business were damaged because of the water or sewage issues.
15. Because of the nature or the sewage or water backup and flow and the state of the 942 Windy Road property, Autoshop Solutions was not reasonably able to assess the damage to the 942 Windy Road Property, its business, or its personal property at 942 Windy Road until on or after 23 November 2015.
16. In addition to personal property losses, Autoshop Solutions suffered lost revenue and expenses to pay its employees while their workplace at 924 Windy Road was inoperable or unusable

FIRST CLAIM FOR RELIEF: NEGLIGENCE

17. Plaintiff incorporates all prior pleadings as if set out fully here.
18. Defendants owed a duty to Autoshop Solutions of reasonable care in their construction work.
19. Defendants breached their duty to Autoshop Solutions by negligently obstructing, striking, or otherwise damaging a sewer or water line near the 942 Windy Road property.
20. Defendants further breached their duty to Autoshop Solutions by negligently failing to remediate or repair their damage to the sewer or water line near the 942 Windy Road property.

21. Defendants further breached their duty to Autoshop Solutions by negligently allowing water or sewage backups and flows to continue until 23 November 2015 at the 942 Windy Road property and not taking adequate steps to protect the 942 Windy Road property and personal property at that location.
22. Defendants' negligence proximately caused Autoshop Solutions to suffer the loss of personal property, revenue, and expenses to pay its employees while their workplace at 924 Windy Road was inoperable or unusable.
23. Defendant's negligence proximately caused Autoshop Solutions to suffer more than \$25,000 of damages.
24. Autoshop Solutions to suffer more than \$25,000 of damages.

SECOND CLAIM FOR RELIEF: NUISANCE

25. Plaintiff incorporates all prior pleadings as if set out fully here.
26. Defendants' substantially interfered with Autoshop Solutions' usage and enjoyment of the property at 942 Windy Road by, among other things:
- a. Allowing a hazardous condition to exist on or near the 942 Windy Road property;
 - b. Maintaining an obstructed or damaged water or sewer line causing improper water or sewage discharge or spillage; and
 - c. Allowing raw sewage to remain in, on, or near the 942 Windy Road property for an unreasonable period of time.
27. Defendants' nuisance continued each and every day until 23 November 2015.

28. In light of all surrounding circumstances, Defendants' substantial interference was unreasonable.

29. Defendants' nuisance proximately caused Autoshop Solutions to suffer more than \$25,000 of damages.

WHEREFORE, Plaintiff prays judgement of the Court as follows:

1. That the Plaintiff have and recover of the Defendants the more than \$25,000 in damages, together with interest at the legal rate;
2. Such other relief as the Court may deem just and proper.

This the 8 day of November 2018.

STAM LAW FIRM, PLLC



Paul Stam

R. Daniel Gibson

Attorneys for Plaintiff

510 W. Williams Street

Apex, NC 27502

Tel: 919-362-8873

Fax: 919-387-7329

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